



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

November 30, 2004

OFFICE OF  
RESEARCH AND DEVELOPMENT

Ms. Catherine McVay Hughes  
Community Liaison to the WTC Expert Panel  
New York, NY

Dear Ms. Hughes:

Thank you for the "7 Principles" letter of October 26, 2004, from members of the lower Manhattan community, labor and other organizations concerning EPA's response to the World Trade Center (WTC) disaster and the WTC Expert Technical Review Panel. Administrator Leavitt has asked me to respond to the letter on his behalf. Please ensure that a copy of this response is distributed to all of the signatories to the October 26 letter. We will also post a copy of this letter to the panel web site at [www.epa.gov/wtc/panel](http://www.epa.gov/wtc/panel).

As you are aware, in 2002 EPA's Indoor Air Residential Assistance Program was open to every resident south of Canal Street (approximately 30,000 residential units). Through this effort, more than 4,100 residential units were serviced. This program gathered important information about environmental contamination in lower Manhattan. Using asbestos as a surrogate, only about one percent of the apartments examined had levels above the health-based benchmark that prompted the need for cleanup.

In October 2003, James Connaughton, Chairman of the White House Council on Environmental Quality, in consultation with Senator Hillary Rodham Clinton, offered to address the issue raised by the EPA Inspector General that some residential areas included in EPA's Indoor Air Residential Assistance Program may have been recontaminated from central heating and air conditioning systems. To provide greater collaboration in ongoing efforts to monitor the situation for New York residents and workers impacted by the collapse of the WTC towers, Chairman Connaughton agreed to: 1) extend the health follow-up associated with the Agency for Toxic Substances and Disease Registry's (ATSDR) registry of residents and workers; and 2) convene an expert technical review panel to help guide the agencies' use of the available exposure and health surveillance databases and registries to characterize any remaining exposures and risks, identify unmet public health needs, and recommend any steps to further minimize the risks associated with the aftermath of the WTC attacks.

In March 2004, EPA convened the WTC Expert Technical Review Panel, with representation from the federal agencies directly involved in the air quality monitoring and response, the New York City Department of Health and Mental Hygiene, the New York City Department of Environmental Protection, and outside experts.

The WTC Expert Technical Review Panel has met eight times in open meetings in New York City. At these meetings, individual panel members interacted with EPA and the public on plans to monitor for the presence of WTC dust in indoor environments and suggested additional evaluations that could be undertaken by EPA and others to evaluate the dispersion of the plume and the geographic extent of environmental impact from the collapse of the WTC towers.

EPA has developed several iterations of a draft sampling plan that reflects input from individual panel members and the community. The proposal is to determine the presence of and evaluate the levels of contaminants of potential concern (as identified in the draft sampling proposal) in lower Manhattan buildings, including contaminants that could be markers for WTC dust.

The latest draft sampling plan (October 15, 2004 version) proposes a much broader study to test for additional contaminants of potential concern, to test for "contamination" rather than "recontamination" of both commercial and residential units within selected buildings in an attempt to characterize entire buildings, and to extend the area of sampling throughout lower Manhattan to Houston Street.

EPA is providing a community-based participatory research (CBPR) facilitator and technical consultants to work with the lower Manhattan community to provide a formal mechanism for community input into the planning and design of the sampling program.

At the community's request, we have extended the formal public comment period on the sampling proposal twice. We are eager to begin implementing the plan as soon as possible. EPA is currently working closely with the Federal Emergency Management Agency for release of funds for this sampling effort. To proceed, we look forward to receiving the community's comments on the draft sampling proposal. We fully understand the importance of community input into the plan. The sampling program cannot succeed without support from the lower Manhattan public.

As the sampling proposal that is before you for comment indicates, EPA is committed to conduct comprehensive environmental testing for multiple contaminants of potential concern. First, we need to receive your input and finalize the sampling proposal. The geographic area to be sampled has been extended throughout lower Manhattan to Houston Street, an area roughly double the size of the area included in the initial dust cleanup program. To the extent possible, the sampling results will also be used to determine the geographic extent and impact of the fire plume residues. Based on evaluation of these results, a second phase of sampling may then extend into other areas, possibly including Brooklyn.

EPA's sampling proposal also calls for a survey of both residences and workplaces in lower Manhattan that volunteer to participate. Sub-objectives will be to relate results of the survey to building cleaning history and to the role of central heating, ventilation and air conditioning if the information collected will support such an analysis. We are consulting with the Occupational Safety and Health Administration regarding whether employees can volunteer to have their workplaces tested and will follow-up with you on this matter.

The sampling proposal recommends a cleanup will be offered if the 95% Upper Confidence Limit on the mean of all measurements in the building associated with WTC dust for at least one contaminant of potential concern exceeds its benchmark. It should be noted that if the elevated contaminant of potential concern (COPC) in this circumstance is lead (Pb), and lead-based paint is observed in the building, a cleanup will be offered as with other COPC exceedences associated with WTC dust, but a lead paint abatement effort will not occur. Furthermore, the data set from Phase I sampling will be reviewed by the panel members, the lower Manhattan community through the CBPR process, and EPA to determine if further testing of buildings in and around a contaminated building should occur. EPA will base decisions on cleanup against health-based benchmarks for polycyclic aromatic hydrocarbons (PAHs) and lead. For the other COPCs, "cleanup benchmarks" will be established at three times their respective background levels. Precedent for this approach is found in the conservative criteria used in screening levels for Superfund.

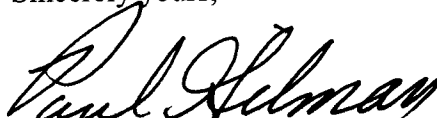
Although it is not the purview of the WTC Expert Technical Review Panel members to supervise environmental safety of 9/11 related cleanup, demolition and reconstruction activities, EPA Region 2 is working closely with our partners at the federal, state and city levels to ensure that the deconstruction of the Deutsche Bank building is done safely and in a manner that protects the health of people who live and work in the area. We have convened meetings with the involved environmental and health agencies – the Agency for Toxic Substances and Disease Registry, the Occupational Safety and Health Administration, the New York State Departments of Health and Mental Hygiene, Environmental Conservation and Labor, and the New York City Departments of Buildings, Health and Environmental Protection – to share information and discuss the applicable statutes and regulations that will govern the cleaning and eventual deconstruction of the building by the Lower Manhattan Development Corporation (LMDC). We have also met with representatives of Deutsche Bank, the involved insurance companies, LMDC and its contractors, and have made it clear that the building owner has the obligation to comply with all federal, state and city requirements covering asbestos and other hazardous materials during the stage leading to deconstruction, throughout the deconstruction and during the storage, transportation and disposal of wastes from the site.

We have encouraged LMDC to conduct the planning for and deconstruction of the building in a transparent manner that keeps members of the public informed and seeks their input throughout the process. To further that goal, EPA representatives are participating on the 130 Liberty Street Advisory Committee.

The multiple agencies with jurisdiction over the 130 Liberty Street building deconstruction have many enforcement tools that can be used to ensure that the project is conducted safely and is protective of people's health throughout. EPA Region 2 will continue to play a strong leadership role as the project moves forward. Please feel free to consult with the Region 2 office on this matter.

Finally, EPA is committed to providing a forum through the expert technical review panel to discuss unmet public health needs resulting from the WTC attacks. Although many of these issues are not the purview of EPA, the Agency is committed to work to engage the various federal and state agencies with direct responsibility for these issues as the need arises.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul Gilman". The signature is fluid and cursive, with a large initial "P" and "G".

Paul Gilman, Ph.D.

Science Advisor and  
Assistant Administrator  
for Research and Development